

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTONIA PHILLIPS, et al.,

Plaintiffs,

03 Civ. 4887

- against -

ORDER

CITY OF NEW YORK, et al.,

Defendants.

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Victor Marrero, United States District Judge.

On or about May 16, 2023, the day before Henesy Feliz turned twenty-one years old, the adoption subsidy paid by New York City’s Administration for Children’s Services to Griselda Feliz (“Ms. Feliz”) on Henesy Feliz’s (“Henesy”) behalf ended. To address the loss of such income for Ms. Feliz, the Court previously indicated that – following Griselda Feliz’s execution of certain estate planning documents (last will and testament; living will; power of attorney; and health care proxy) and the state court approval of Ms. Feliz as guardian ad litem for Henesy Feliz – the Court would consider an increase to the monthly stipend Griselda Feliz had been paid from the Henesy Feliz Supplemental Needs Trust (“SNT”) and/or the payment of additional monthly disbursements into a bank account opened for the benefit of (“FBO Payment”) Henesy.

On March 20, 2024, Harry Rimm (“Rimm”) the Guardian ad Litem for Henesy appointed by this court under the SNT Agreement filed a letter advising the Court that he had received copies of the four documents referenced above. A March 22, 2024 Order of this Court directed Rimm to provide the Court with copies of the executed documents for filing under seal. On March 22, 2024, the Temporary Letters of Guardianship were granted by the Surrogate’s Court of Westchester

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DATE FILED: 06/03/2024

County, New York, appointing Ms. Feliz as temporary Guardian ad Litem for Henesy. On March 27, 2024, this Court filed the four estate planning documents under seal.

In light of the foregoing, the Court now directs successor trustee Wells Fargo Bank, N.A. (the “Trustee”) to increase the monthly stipend being paid by the Trust to Griselda Feliz from \$2,000 to \$2,500. This increase shall become effective beginning in June 2024 and shall not be retroactive.

The Court further directs the Trustee to make a payment each month from the Trust for the benefit of Henesy in the amount of \$2,330.67 and in accordance with the following provisions:

- (1) Upon commencement of those FBO payments, the Trustee is directed to make payments retroactive to May 17, 2023.
- (2) The Trustee is directed to make FBO payments by placing such funds into a new account that is designated for payments for the benefit of Henesy and created at the Trustee’s location (the “FBO Account”).
- (3) Any expenditure by Ms. Feliz of more than \$500 from funds in the FBO Account may not be paid without the Trustee’s prior approval.
- (4) Ms. Feliz is authorized to draw upon the funds in the FBO Account for the purpose of paying for expenditures she may make as Temporary Guardian ad Litem for Henesy. The Trustee is authorized to make such payments from the FBO Account if the Trustee determines that such expenditures are for the benefit of Henesy and thus warranted.
- (5) On a quarterly basis, and commencing in July 2024 (for the second quarter of 2024), the Trustee shall submit to the Court a report setting forth all expenditures of funds from the FBO Account made during the preceding quarter.

- (6) The monthly amount of the FBO payment made in accordance with this Order shall be reduced by the amount of any Supplemental Security Income (“SSI”) payments that may be paid to Henesy. Any reduction to FBO payments shall commence at the earlier of (i) the first month after SSI payments are paid to Henesy Feliz or (ii) the month following the Trustee learning of SSI payments being made to Henesy Feliz. The Court reserves the right to further reduce the monthly amount of any FBO payment in the event that any other benefits are paid to Henesy. In the event that it is determined that benefits have been paid to Henesy which should reduce the amount of any FBO payment, whether previously paid or to be paid in the future, the Trustee shall recoup the amount(s) of such other benefit(s) by offsetting the amount(s) from the payment of future FBO payments.
- (7) The Trustee is directed to advise the Court if it learns of any benefits, SSI payments or otherwise, that may be paid by the federal, state, county or city governments to or on behalf of Henesy.

Further, effective June 27, 2024, Harry H. Rimm is discharged as Guardian ad Litem. Also effective June 27, 2024, Griselda Feliz is appointed Guardian ad Litem to represent Henesy Feliz in matters relating to payments made for the benefit of Henesy under the SNT referenced above, as approved by the Trustee and the Court.

Dated: New York, New York
June 3, 2024



Victor Marrero
U.S.D.J.